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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAN 22 2020

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

9 UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF WASHINGTON

11 UNITED STATES OF AMERICA,

2:20-CR-5-SMJ

INDICTMENT

12 Plaintiff,

13 v.

14 MONICA PESINA,
15 NICHOLAS SEAN CARTER,

16 Defendants.

21 U.S.C. § 841(a)(1), (b)(1)(A)(viii)
Possession with Intent to Distribute
50 Grams or More of Actual (Pure)
Methamphetamine
(Count 1)

21 U.S.C. § 841(a)(1), (b)(1)(C)
Possession with Intent to Distribute
Heroin (Count 2)

21 U.S.C. § 841(a)(1), (b)(1)(C)
Possession with Intent to Distribute
Fentanyl (Count 3)

18 U.S.C. §§ 922(g)(1), 924(a)(2)
Felon in Possession of a Firearm
(Count 4)

21 U.S.C. § 853, 18 U.S.C. § 924, 28
U.S.C. § 2461
Criminal Forfeiture

1 The Grand Jury charges:

2 COUNT 1

3 On or about November 7, 2019, in the Eastern District of Washington, the
4 Defendants, MONICA PESINA and NICHOLAS SEAN CARTER, did knowingly and
5 intentionally possess with the intent to distribute 50 grams or more of actual (pure)
6 Methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. §
7 841(a)(1), (b)(1)(A)(viii), and 18 U.S.C. § 2.

8 COUNT 2

9 On or about November 7, 2019, in the Eastern District of Washington, the
10 Defendants, MONICA PESINA and NICHOLAS SEAN CARTER, did knowingly and
11 intentionally possess with the intent to distribute Heroin, a Schedule I controlled
12 substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C), and 18 U.S.C. § 2.

13 COUNT 3

14 On or about November 7, 2019, in the Eastern District of Washington, the
15 Defendants, MONICA PESINA and NICHOLAS SEAN CARTER, did knowingly
16 and intentionally possess with the intent to distribute a mixture or substance
17 containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]
18 propanamide (aka Fentanyl), a Schedule II controlled substance, in violation of 21
19 U.S.C. § 841(a)(1), (b)(1)(C), and 18 U.S.C. § 2.

20 COUNT 4

21 On or about November 7, 2019, in the Eastern District of Washington, the
22 Defendant, NICHOLAS SEAN CARTER, knowing of his status as a person
23 previously convicted of a crime punishable by imprisonment for a term exceeding
24 one year, did knowingly possess firearms, to wit: a Glock Model 26 GEN 4, 9 mm
25 pistol, bearing serial number BBTU921, and a Beretta Model 92FS, 9 mm pistol,
26 bearing serial number BER513205, which firearms had theretofore been
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28

1 transported in interstate and/or foreign commerce, in violation of 18 U.S.C. §§
2 922(g)(1), 924(a)(2).

3 NOTICE OF CRIMINAL FORFEITURE ALLEGATIONS

4 The allegations contained in this Indictment are hereby re-alleged and
5 incorporated by reference for the purpose of alleging forfeitures.

6 Pursuant to 21 U.S.C. § 853 upon conviction of a controlled substance
7 offense in violation of 21 U.S.C. § 841, as set forth in Counts 1 – 3 of this
8 Indictment, the Defendants, MONICA PESINA and NICHOLAS SEAN
9 CARTER, shall forfeit to the United States of America, any property constituting,
10 or derived from, any proceeds obtained, directly or indirectly, as the result of such
11 offense(s) and any property used or intended to be used, in any manner or part, to
12 commit or to facilitate the commission of the offense(s). The property to be
13 forfeited includes, but is not limited to:

14 - \$4,070.00 U.S. currency seized by ATF on or about November 7, 2019.

15 If any forfeitable property, as a result of any act or omission of the
16 Defendant(s):

- 17 (a) cannot be located upon the exercise of due diligence;
18 (b) has been transferred or sold to, or deposited with, a third party;
19 (c) has been placed beyond the jurisdiction of the court;
20 (d) has been substantially diminished in value; or
21 (e) has been commingled with other property which cannot be divided
22 without difficulty;

23 the United States of America shall be entitled to forfeiture of substitute property
24 pursuant to 21 U.S.C. § 853(p).

25 Pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), upon conviction of
26 a firearms offense in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2), as set forth in
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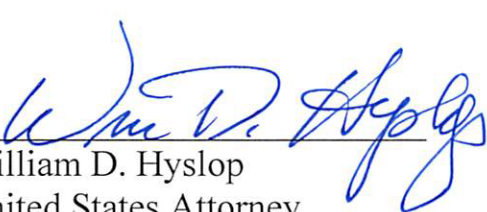
Count 4 of this Indictment, the Defendant, NICHOLAS SEAN CARTER, shall forfeit to the United States of America, any firearms and ammunition involved or used in the commission of the offense, including, but not limited to the following:

- a Beretta Model 92FS, 9 mm pistol, bearing serial number BER513205; and
- a Glock Model 26 GEN 4, 9 mm pistol, bearing serial number BBTU921.


DATED this 22 day of January 2020.

A TRUE BILL

Foreperson



William D. Hyslop
United States Attorney



Stephanie Van Marter
Assistant United States Attorney